

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN McCALL and JAMES RAM

Plaintiffs,

v.

MONRO MUFFLER BRAKE, INC. d/b/a  
AUTOTIRE CAR CARE CENTER,

and

AM-PAC TIRE DIST. INC.

Defendants.

Case No. 4:10-cv-00269-HEA

**PLAINTIFF'S MOTION TO PRESENT MOTION FOR CLASS CERTIFICATION  
BY ORAL ARGUMENT, AND  
TO DESIGNATE ORDER OF RESOLUTION OF PENDING MOTIONS**

1. Plaintiffs have filed a motion for class certification.
2. Defendants have filed a motion for summary judgment.
3. Plaintiffs intend to soon file their own motion for summary judgment.
4. For the reasons set forth in the accompanying memorandum, Plaintiffs seek oral argument of their motion for class certification pursuant to Local Rule 78-4.02.
5. For the reasons set forth in the accompanying memorandum, Plaintiffs ask this Court to first determine the pending motion for class certification, and only after making that ruling, address the motions for summary judgment, such that these summary judgment rulings would bind all class members.

Respectfully submitted,

**THE SIMON LAW FIRM**

/s/ John Campbell  
John Campbell, #543242MO  
Erich Vieth, #29850MO  
Attorneys for Plaintiffs  
800 Market St. Suite 1700  
St. Louis, MO 63101  
P. 314.241.2929  
F. 314.241.2029  
[jcampbell@simonlawpc.com](mailto:jcampbell@simonlawpc.com)  
[evieth@simonlawpc.com](mailto:evieth@simonlawpc.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2012, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon attorneys of record.

/s/ John Campbell